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Governor

# *The Commonwealth of Massachusetts*

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### Minutes

#### **Board of Boiler Rules**

**National Guard Armory, Wellesley, MA 02108**

**Meeting of November 6, 2014, 10:00 AM**

1. Meeting called to order by the Chairman Ed Kawa at 10:05 AM. Chairman Kawa announced this meeting is being held pursuant to M.G.L. Chapter 146 Section 3, which requires the Board to hold a public meeting annually on the first Thursday in May and November and at such other times it is deemed necessary. The Chairman held roll call as follows:

#### Board Members Present:

Edward Kawa, Chairman  
Anthony Lucia  
Ray Archambault  
Charles Perry

#### Board Members Not Present:

Leah Francis

#### Guests Present:

Mike Roby, FM Global  
Glenn Robinson, HSB  
Mike Robillard, Chubb  
Stephen Kapnis, CAN  
Frank Zarella, Travelers  
Paul Logan, SEI  
Tom Stanton, Arise  
Rick Gillis, Liberty Mutual

Leon Dunnam, Liberty Mutual  
Gordon Smith, Cincinnati Insurance  
Henry Geryk, DPS  
Mike Burge, DPS  
Bob Schultz, DPS  
Cesar Lastra, DPS  
Carrie Torrisi, DPS  
Holly Bartlett, DPS

\* Following the roll call, the Chairman recognized that this is Ray Archambault's 31st year serving on the Board of Boiler Rules.

2. Minutes of previous meetings: The minutes from the previous meeting on July 10, 2014, were distributed for review. *Motion to accept these minutes into record made by Anthony Lucia, seconded by Charles Perry; motion passed by unanimous vote.*

\*The Chairman asked that guests present please identify themselves, and with whom they are affiliated.

3. Petitions for changes to 522 CMR per M.G.L. c. 146 The Chairman opened the meeting for anyone wishing to petition for changes to 522 CMR, asking that anyone presenting such petitions today please follow up with a hard copy of their proposal by e-mail to [holly.bartlett@state.ma.us](mailto:holly.bartlett@state.ma.us)
  - a. Paul Logan, Steam Engineering Institute: Mr. Logan made recommendation that the Board remove the words ‘stationery engineer’ or anything to do with licensed engineer from the present regulation.
  - b. Frank Zarella, Travelers: Where can one find a copy of suggested changes to the regulations? The Chairman clarified that the comments being heard at today’s meeting are for the existing regulation; there will be a public hearing to take comments on the proposed changes to the regulation.
  - c. Tom Stanton, Arise: Under 7.06, Airtanks, paragraph 02, regarding test gauge connections: proposal made that the absence of a test gauge connection not be a certificate-withholding violation.
  - d. Henry Geryk, DPS: Regarding 522 CMR, Refrigeration, adoption of ASHRAE 15 safety standard: Inspector Geryk recommended that the regulation include the minimum annual safety testing. The Chairman clarified that the recommendation is have owner/users provide evidence of annual testing of such devices.
  - e. Tom Stanton asked if the draft regulation he has is still viable. The Chairman responded that the final proposed draft that will be made available at the public hearing. Mr. Stanton brought attention to language in the draft that makes reference to district engineering inspectors being able to make entries to R1 forms, and pointed out that district engineering inspectors do not have authority to do so.
  - f. Paul Logan, SEI: Referring to Item 6 of the minutes from the last meeting, Mr. Logan asked who would be conducting the ‘legal review’ of the proposed regulations; the Chairman informed him that that review is being done by DPS legal. Mr. Logan then pointed out that statute requires that such review be conducted by the Attorney General.
  - g. Glenn Robinson: Asked what the purpose of bringing up questions on the existing regulation is if proposed changes to the regulations are in process. The Chairman explained that today’s meeting is not the public hearing to address the final approved changes to regulations, this meeting is required by statute to take comment regarding the existing regulation; there will be a hearing to take public comment regarding proposed changes to the regulation. Mr. Robinson brought up a question regarding exemption for boilers used exclusively for agricultural purposes – what constitutes exclusively? The Chairman explained that he is not in a position to provide clarification regarding this, but that the Department, in a similar situation regarding hoisting licensing, is responsible for establishing any administrative rulings or clarification.
  - h. Frank Zarella: Mr. Zarella presented two questions regarding rooftop units and emergency shut off switches located on the outside of machinery room doors, and how ASHRAE standards apply. The Chairman acknowledged the validity of Mr. Zarella’s concerns, and encouraged him to submit this in writing so that the Board can address this.
4. State Email Addresses: The Chairman announced that DPS will be providing Board members with state e-mail addresses to be used for all Board-related communications. Although there is not a time-frame available at this time, the Chairman will inform the Board when this becomes available.

5. Petitions for inspectional considerations: The following requests for extension of the inspectional requirements were considered:
- a. Joseph Gourmet Pasta, Haverhill – Extension Request dated July 23, 2014, for a 2-month extension of the inspectional requirement for one unit, MA #116725. This request was approved by the Chairman, Dan Kilburn, on July 29, 2014; copy of the associated approval letter is hereby submitted to enter into record. *Motion to enter this request/approval into record made by Ray Archambault, seconded by Charles Perry; motion passed by unanimous vote.*
  - b. George T. Wilkinson Inc., Rockland – Extension Request dated July 23, 2014, for a 6-month extension of the inspectional requirement for one unit, MA #065952A. Notice to cancel this request was received by DPS from the petitioner via e-mail on August 6, 2014. *Motion to approve this request made by Charles Perry, seconded by Ray Archambault.* Prior to a vote on this, Anthony Lucia pointed out that the request had been withdrawn, and that this is only being entered into record, nothing is actually being approved. *This request will be entered into record with no action taken by the Board.*
  - c. Twin Rivers Technologies, Quincy – Extension Request dated July 28, 2014, for a 30-day extension of the inspectional requirement for two units, MA #072440 and MA #072739A. *Motion to approve this request made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.*
  - d. UMass Lowell – Extension Request dated August 18, 2014, for a 120-day extension of the inspectional requirement for one unit, MA #58539. As this request has since been cancelled, the Chairman announced that no action would be taken on this request
  - e. ANP Bellingham – Extension Request dated September 15, 2014, for a 5-month extension of the inspectional requirement for one unit, MA #022235. *Motion to approve this request made by Anthony Lucia, seconded by Ray Archambault; motion passed by unanimous vote.*
  - f. William A. Hinton State Laboratory Institute (DCAMM), Jamaica Plain – Extension Request dated September 26, 2014, for a 3-month extension of the inspectional requirement for one unit, MA #060223. As this request has been cancelled, the Chairman announced that no action would be taken on this request.
6. Variance Requests: The Chairman announced that there are two applications for variance
- a. Town of Oak Bluffs, Variance Request regarding 522 CMR 5.(2)(b). The Chairman asked if anyone was present representing this variance request. As there was no response, the Chairman asked for a motion to table this request until there is representative available to further explain this request; *motion to table this request made by Ray Archambault, seconded by Anthony Lucia; motion passed by unanimous vote.*
  - b. Hopkinton Public Schools, Variance Request regarding 522 CMR 9.90, ASHRAE 15 Section 9.4. The Chairman asked if anyone is present at this meeting to speak regarding this request. Hearing none, the Chairman asked for a motion to table this request until there is representation present to speak to this request; *motion to table this request made by Anthony Lucia, seconded by Ray Archambault; motion passed by unanimous vote.*
7. Proposed Changes to 522 CMR: The Chairman informed the Board that there is both a red-line copy of the changes incorporated so far, and a clean copy of the proposed amended draft of 522 CMR. He then drew attention to the changes in yellow, they are the most recent changes made to the document. The Chairman then proceeded to review all changes, including grammatical corrections and edits. Following this summary of proposed changes, the Chairman clarified that any written changes received prior to the next meeting will be addressed at the next meeting. *Motion made to adopt changes to 522 CMR*

*discussed today made by Ray Archambault, seconded by Anthony Lucia; motion approved by unanimous vote.*

8. Matters not reasonably anticipated 48 hours in advance of meeting:

- a. Paul Logan, asked if there would be time for public comment at the end of the meeting, as was announced at the July meeting. Mr. Logan asked that the Board post the draft of minutes within 10 days of said meeting. He also addressed pending legislation regarding repair wording in statute. In addition, Mr. Logan asked that the Board post the red-line draft of the amended CMR. The Chairman responded that he would check on these three matters.
- b. Frank Zarella asked if the Board is considering adopting CSD-1 in its entirety. The Chairman replied that the changes made were to clarify that reference to CSD-1 in the regulation would only be for steam and water side controls, as had been in the past.
- c. Glenn Robinson asked what should be the expected expiration date on the inspection certificates, in light of a conversation he had had with Paul Evans, DPS. Will this date be tied to the inspection date, or the expiration date of the posted certificate? The Chairman replied that the current expiration date is tied to the date of inspection.
- d. Frank Zarella asked for an estimate date of when the state will no longer use JOL. The Chairman explained that DPS is currently developing an inspection database, which will include the pressure vessels; Phase II of this process will proceed, tentatively, in March/April of next year; the information contained in the new system will be available for public view, similar to other jurisdictions. As soon as there is more information available on this, the Chairman will pass this information along.

9. Adjournment – The date of the next meeting was tentatively set for Thursday, December 4, 2014. *Motion to adjourn this meeting at 11:28 AM was made by Anthony Lucia, seconded by Ray Archambault; motion passed by unanimous vote, meeting adjourned at 11:28AM.*

List of Documents/Exhibits Used at this Meeting

- a. Draft minutes from meeting on November 6, 2014
- b. Extension Request – Joseph Gourmet Pasta
- c. Extension Request – George T. Wilkinson, Inc.
- d. Extension Request – Twin Rivers Technologies
- e. Extension Request – Umass Lowell
- f. Extension Request – ANP Bellingham Energy Co., LLC
- g. Extension Request – William A. Hinton State Laboratory Institute
- h. Variance Request – Town of Oak Bluffs
- i. Variance Request – Hopkinton Public Schools
- j. Draft of Proposed Changes to 522 CMR